

In re Application of Ragsdale et al.
Application No. 10/615,283

REMARKS

The Pending Claims

Claims 1, 2, and 17 have been amended without prejudice or disclaimer of the subject matter originally recited therein, and new claims 18-32 have been added. Thus, claims 1, 2, and 17-32 currently are pending.

Summary of the Office Action

The Office Action rejects claims 1, 2, and 17 under 35 U.S.C. § 112, first paragraph, for allegedly claiming subject matter that is not fully enable by the instant specification.

The Office Action rejects claims 1, 2, and 17 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

The Office Action also rejects claims 1, 2, and 17 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,569,927 (Gelbin) (hereinafter "the Gelbin '927 patent") in view of U.S. Patent No. 6,022,946 (McCullough, Jr.) (hereinafter "the McCullough '946 patent").

Discussion of the Specification Amendments

The specification has been amended to correct minor errors in the structures of Formula (I) and Formula (II) appearing on page 7. In particular, the paragraphs have been amended to correct inadvertent errors in the placement of bonds within the structures.

The specification has also been amended to correct an inadvertent error introduced into the specification in Applicants' prior amendment to the paragraphs on pages 7 and 8 of the specification. In particular, these portions of the specification have been amended so that the class designations (e.g., Class A, Class B, etc.), the chemical names, and the chemical structures or formula are consistent throughout the specification.

The specification has also been amended to correct typographical errors appearing on pages 12 and 13.

No new matter has been added by way of these amendments.

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Discussion of the Section 112 Rejections

The claims have been amended to recite that the lactone-based antioxidant has a 3-phenylbenzofuran-2-one structure, as depicted on page 7 of the specification. In view of the fact that the specification clearly identifies antioxidants having this structure and provides both general and specific examples of such compounds, Applicants submit that the amended claims recite subject matter that is properly enabled by the specification. Furthermore, Applicants submit that the recitation of this class of "lactone-based" compounds particularly points out and distinctly claims the subject matter which Applicants regard as their invention. Applicants, therefore, respectfully submit that the Section 112 rejections have been rendered moot and request that the rejections be withdrawn.

Discussion of the Section 103 Rejection

The pending claims have been amended to recite the relative amounts of the benzotriazole, lactone-based antioxidant, and secondary phenylamine and/or hindered phenol present in the additive. Neither the Gelbin '927 patent nor the McCullough '946 patent appear to disclose an additive containing these components in the specified amounts. Therefore, as acknowledged in the Office Action, the claimed subject matter is novel over the cited references.

Applicants also submit that the subject matter recited in the pending claims cannot properly be considered obvious over the Gelbin '927 patent and/or the McCullough '946 patent. Both the Gelbin '927 patent and the McCullough '946 patent are generally concerned with the stabilization or deactivation of thermoplastic resins, such as polypropylene. Neither reference teaches or suggests that the particular compounds and/or methods disclosed therein can be used in the manufacture of thermoset foams, such as a polyurethane foam. Applicants note that, at the time the claimed subject matter was invented, there was nothing within the knowledge generally available to those of ordinary skill in the art which would have suggested that the particular compounds, compositions, and/or methods described in the cited references would have been useful in the manufacture of thermoset foams. Thus, one of ordinary skill in the art, having read the Gelbin '927 patent or the McCullough '946 patent, would not have been motivated to select components and amounts thereof in order to arrive at an additive suitable for addition to a polyol reactant used in the manufacture of a polymer foam.

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In view of the foregoing, Applicants respectfully submit that the subject matter defined by the pending claims is patentable over the cited references. Therefore, Applicants respectfully request that the Section 103 rejection be withdrawn.

Conclusion

In view of the foregoing, the application is considered in proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone interview would expedite prosecution of the instant application, the Examiner is invited to call the undersigned.

Respectfully submitted,



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